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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PANCHAYATS & RURAL DEVELOPMENT
Joint Administrative Building (6th to 9th Floor), HC-7, Sector-III
Bidhannagar, Kolkata-700106

NOTIFICATION

No. 4373/PN/O/I/3R-5/2003 Pt.-II, dated the 9th November, 2015— WHEREAS the draft amendments to amend the West Bengal *Panchayat (Gram Panchayat Administration) Rules, 2004* was published as required by sub-section (1) of section 224 of the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI of 1973) (hereinafter referred to as the said Act), *vide* notification No. 3053/PN/O/I/3R-5/2003 Pt.-II, dated the 7th July, 2015 in the *Kolkata Gazette, Extraordinary*, PART I, dated the 7th July, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS some objections and suggestions were received from all persons likely to be affected hereby within the given period;

AND WHEREAS all such objections and suggestions have been considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of section 224 of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal *Panchayat (Gram Panchayat Administration) Rules, 2004* (hereinafter referred to as the said rules), as subsequently amended (hereinafter referred to as the said rules) :—

Amendments

In the said rules,—

(1) in rule 2, in sub-rule (1), after clause (f), *insert* the following clause :—

‘(g) “industry” means an industry as defined in section 2 of the Industrial Disputes Act, 1947;’;

- (2) to sub-rule (1) of rule 17, add the following provisos :-

“Provided that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up an industry other than an industry in any industrial estate or industrial park within the jurisdiction of a *Gram Panchayat*, the said application, in duplicate, in Form 4, shall be submitted directly to the designated office(s) of the Department of Micro, Small and Medium Enterprises and Textiles, or to the Department of Commerce and Industries, of the State Government which will forward the application along with all relevant documents to the said *Gram Panchayat* or *Panchayat Samiti* or *Zilla Parishad* or the Department of *Panchayats* and Rural Development depending upon the specification of the building as referred to in rule 27 after scrutiny to check the completeness of the application:

Provided further that if the application along with relevant documents requires to be forwarded to the Department of *Panchayats* and Rural Development depending upon the specification of the building as referred to in rule 27, it shall be sent by the designated office(s) mentioned in the above proviso to the said Department through the *Zilla Parishad* concerned:

Provided also that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up of an industry in any industrial estate or industrial park, the application for this purpose shall be submitted to the industrial development authority or corporation or other organisation directly as may be specified by the State Government for according permission for erection of a new structure or a new building or to make any addition to an existing structure or building by the said Authority or Corporation or organisation, giving proper intimation to the *Gram Panchayat* concerned and the said industrial development authority or corporation or other organisation, as the case may be, shall finally accord permission.”;

- (3) to sub-rule (2) of rule 18, add the following provisos:-

“Provided that no fees shall be deposited along with the application form in case of setting up of industry other than an industry in any industrial estate or industrial park within the jurisdiction of a *Gram Panchayat* as mentioned in the first proviso to sub-rule (1) of rule 17, and the requisite fees shall be deposited by the applicant to the *Gram Panchayat* concerned at the time of collection of the approved plan:

Provided further that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up of an industry in any industrial estate or industrial park within the jurisdiction of a *Gram Panchayat* as mentioned in the third proviso to sub-rule (1) of rule 17, the required fees shall be deposited to the *Gram Panchayat* concerned by the applicant after sanction of the plan by the specified industrial development authority or corporation or other organisation but before collection of the sanctioned plan from the sanctioning authority.”;

- (4) in rule 27,-

(a) in sub-rule (1A), in the first proviso, for the words “the *Zilla Parishad* by the *Gram Panchayat* for vetting”, the words and figures “the *Zilla Parishad* by the *Gram Panchayat* for vetting and if the height of such structure or building or addition to such existing structure or building is above 15 meter, the *Zilla Parishad* shall send the application to the Department of *Panchayats* and Rural Development for vetting”;

- (b) to the second proviso in sub-rule (1A), add the following provisos:-

“Provided also that in case of an application forwarded by the *Zilla Parishad* to the Department of *Panchayats* and Rural Development for vetting as mentioned in the first proviso, all formalities including vetting shall be completed within 60 days from the date of receipt of a complete application at the *Gram Panchayat*:

Provided also that-

- (a) if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up an industry other than an industry in any industrial

estate or industrial park within the jurisdiction of a *Gram Panchayat*, the *Gram Panchayat* shall sanction the plan within 15 days from the date of receipt of a complete application at the *Gram Panchayat*, if the plinth area of the structure or the building is within 150 square meter and its height is within 6.5 meter;

- (b) if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up an industry other than an industry in any industrial estate or industrial park within the jurisdiction of a *Gram Panchayat* and if the application requires to be vetted by the *Panchayat Samiti* or the *Zilla Parishad* concerned, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, shall take all necessary measures for vetting of the plan in such a way that permission can be granted by the *Gram Panchayat* within 30 days from the date of receipt of a complete application at the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be; and
- (c) if the erection of a new structure or a new building or to make any addition to an existing structure or building having is for setting up an industry other than an industry in any industrial estate or industrial park within the jurisdiction of a *Gram Panchayat* and if the application requires to be vetted by the Department of *Panchayats* and Rural Development, the Department of *Panchayats* and Rural Development shall take all necessary measures for vetting of the plan in such a way that permission can be granted by the *Gram Panchayat* within 60 days from the date of receipt of a complete application at the *Zilla Parishad*.”;

- (5) for rule 30, *substitute* the following rule:—

“(30) If permission or refusal under sub-rule (1A) and sub-rule (5) of rule 27, rule 28 or rule 29, as the case may be, has not been communicated by the *Gram Panchayat* within the prescribed time limit, it shall be presumed the *Gram Panchayat* has accorded such permission and the applicant shall after an intimation to the *Gram Panchayat* can erect any structure or building conforming to the building plan and the site plan furnished by him along with the application.”;

- (6) to rule 36, *add* the following proviso :—

“Provided that in case any application along with a site map and a construction plan, complete in all respect, is received by a *Gram Panchayat* for issuance of ‘No Objection Certificate’ for construction of a drainage system for clearance of storm water or appropriate sewage prior to commencement of construction activity for the purpose of setting up of an industry within the jurisdiction of *Gram Panchayat*, the *Gram Panchayat* shall provide the ‘No Objection Certificate’ within 15(fifteen) days from the date of receipt of the application at *Gram Panchayat* and if the permission is not accorded within such time limit, it shall be presumed that the *Gram Panchayat* has accorded permission.”;

- (7) in sub-rule (2) of rule 58,—

- (a) for the words “provisional certificate of registration”, *substitute* the words “certificate of registration”;
- (b) for the proviso, *substitute* the following provisos :—

“Provided that persons seeking certificate of registration for running trade, wholesale or retail within the jurisdiction of *Gram Panchayat* shall apply in Form No.10A at the office of the *Gram Panchayat* directly or through the web portal of the Department of Micro, Small and Medium Enterprises and Textiles, or the Department of Commerce and Industries, of the State Government:

Provided further that running of such trade shall be subject to renewal of its registration annually or for three years together by the *Gram Panchayat* concerned on realisation of the prescribed annual fees for three years at a time:

Provided also that a *Gram Panchayat* shall issue certificate of registration for running trade within 15(fifteen) days from the date of receipt of the application, which must be complete in all respects.”;

(8) after Form 10, *insert* the following form:—

“Form 10A

[See first proviso to sub-rule (2) of rule 58]

**APPLICATION FOR CERTIFICATE OF REGISTRATION FOR RUNNING TRADE,
WHOLE SALE OR RETAIL**

To

The *Pradhan*,

_____ *Gram Panchayat*

District _____

Madam/Sir,

I hereby apply for certificate of registration for trade or business as mentioned below in the place covered by plot/ plots No(s) _____ of mouza _____, JL No. _____ under Police Station _____ in the district of _____ boundaries of which are given below for carrying on trade or business which is not prohibited under any law for the time being in force. If it is decided by the authority to issue a certificate for the current year/for three years together, I shall be bound to deposit the prescribed registration fees and strictly observe the conditions mentioned in the certificate. I shall also be bound to obtain all other statutory clearances required for running the above trade before actual commencement of the trade. For any deviation/default and on violation of the conditions mentioned in the certificate, the certificate shall be liable to be cancelled forthwith and I shall be bound to close down the said trade or business with immediate effect. I shall also be bound to apply for renewal of such certificate for the next financial year or for the next three financial years for carrying out the same trade or business on the terms and conditions as may be prescribed by the authority at the time of renewal of such certificate.

Brief description of trade or business:

Boundaries

East -

West-

North-

South-

Signature with date _____

Name in Block letters _____

Address _____

Date _____”;

(9) for Form 11, *substitute* the following form:—

“FORM 11

[See rule 58(2)]

CERTIFICATE OF REGISTRATION

..... *Gram Panchayat*

Name of *Panchayat Samiti*:

Name of District :

Trade Registration No. : Date :

Trade Registration Certificate Issue No.: Date :

Trade Registration Certificate issued for the period of.....
 to.....
 (Name of Proprietor/partner/Director)

Gram Sansad/Part No. :

Full Address:

Description of Trade:

The *Gram Panchayat* acknowledges a sum of Rs..... (in words
 only from
 M/s.....
 vide Receipt No..... dated.....

The grant of this certificate shall not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade.

If any violation/default is noted later, the certificate shall be liable to be cancelled and the trade/business shall be closed down with immediate effect.

.....
 Executive Assistant/Secretary

.....
 Pradhan

N.B. :- *Gram Panchayat has every right to cancel or revoke or not allowing renewal of registration at any time."*

By order of the Governor,

SAURABH KUMAR DAS,
Principal Secretary to the Government of West Bengal.